

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Fredrick DeWayne Hines,

Civ. No. 18-3250 (ECT/BRT)

Plaintiff,

v.

ORDER

State of Minnesota, et al.,

Defendants.

In this prisoner civil rights action, *pro se* Plaintiff Fredrick DeWayne Hines alleges that he was raped by guards and inmates, that he was denied medical treatment made necessary by these attacks, and that he was falsely diagnosed with mental illnesses and given improper medications. (*See* Doc. No. 1, Compl.) Plaintiff moves for appointment of counsel. (Doc. No. 112.)

In civil cases, a *pro se* litigant does not have a constitutional or statutory right to appointed counsel. *See Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). The Court may appoint counsel in a civil case if it is “convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel.” *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors such as the complexity of the case, the ability of the *pro se* litigant to investigate the facts, the existence of conflicting

testimony, and the ability of the *pro se* litigant to present his or her claim. *Phillips v. Jasper Cnty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. Plaintiff has demonstrated, at this point, that he can adequately present his claims to the Court. The case is also at a relatively early stage and not in a trial-ready posture. The Court will therefore deny Plaintiff's motion without prejudice to the motion being renewed at a later stage in this litigation.

Plaintiff's Motion to Appoint Counsel (Doc. No. 112) is **DENIED** without prejudice.

Dated: July 10, 2019.

s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge